

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

HEATHER CAPISTRANO,

Plaintiff,

vs.

COMMISSIONER,
Social Security Administration,

Defendant.

Case No. 6:16-cv-02295-JR

ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR
ATTORNEY FEES PURSUANT TO 42
U.S.C. § 406(b)

Plaintiff Heather Capistrano brought this action seeking review of the Commissioner's final decision denying his application for Supplemental Security Income ("SSI") under the Social Security Act. The Court reversed the Commissioner's decision, remanded the case for further proceedings, and entered Judgment on May 3, 2018. Upon remand, the Commissioner found Plaintiff entitled to SSI beginning October 2012.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has not objected to the request. I have reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S.

789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded \$19,514.50 in attorney's fees under 42 U.S.C. § 406(b). Previously, Plaintiff's counsel received \$2,473.15 in attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. When issuing the § 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the EAJA award received by Plaintiff's counsel and send the balance of \$17,041.35, less any applicable processing or user fees prescribed by statute, to Brent Wells, Plaintiff's attorney at HARDER, WELLS, BARON & MANNING, P.C., 474 Willamette Street, Eugene, Oregon 97401. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED this 17th day of March, 2022.

/s/ Jolie A. Russo

Jolie A. Russo
United States Magistrate Judge

Proposed Order submitted by:

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